

Remarks

Claims 1-4, 6-8, 10-13 and 21-33 are pending in this application, and subject to a Restriction Requirement. Claim 13 is amended herein to correct dependency.

The specification is amended herein to include a Statement of Federally Supported Research pursuant to MPEP § 310.

Applicants believe no new matter is introduced by these amendments. After entry of this amendment, **Claims 1-4, 6-8, 10-13 and 21-33 are pending in the application.** Substantive examination of the pending claims is requested.

Restriction Requirement

In response to the restriction requirement, Applicants provisionally elect, with traverse, the claims of Group I, directed to a disulfide stabilized Fv-toxin that binds the epitope bound by monoclonal antibody 8H9, and a pharmaceutical composition comprising the Fv-toxin (claims 1-4, 6-8, 10-13, and 21-23). Applicants submit it would not be an undue burden on the Examiner to search the subject matter of Group I with the subject matter of Group II.

Applicants thank the Examiner for noting that a restriction has been required between product and process claims, and that if a product claim is subsequently found to be allowable the withdrawn process claims will be rejoined in accordance with MPEP § 821.04 (see pages 4-5 of the Office action).

Conclusion


It is respectfully submitted that the amended claims submitted herewith should all be recombined and considered in the current case, and as such they are in a condition for substantive examination. If any minor matters remain to be addressed prior to substantive examination, the Examiner is formally requested to contact the undersigned prior to issuance of the next Office action, in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. This request is being submitted under MPEP §713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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